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March 8, 2021

## VIA ECF AND ELECTRONIC MAIL

Honorable Cecelia G. Morris, Chief Judge  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 627  
New York, NY 10004-1408

*Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, No. 08-01789 (CGM): Request for Entry of a Scheduling Order Relating to the Trustee's Determination of the Claim of Dale Ellen Leff*

Dear Chief Judge Morris:

We are counsel to Irving H. Picard, trustee (the "Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* We write to request entry of the proposed stipulated scheduling order (the "Scheduling Order") annexed to this letter to establish a briefing and discovery schedule between the Trustee and Dale Ellen Leff with respect to the determination of Ms. Leff's claim and related objection.

By way of background, on August 31, 2020, Judge Bernstein entered an order establishing omnibus procedures for the adjudication of objections to the Trustee's claims determinations that appear to raise customer-specific factual issues (the "Omnibus Procedures Order"). (*See* ECF No. 19746). The Omnibus Procedures Order authorizes the Trustee to file omnibus motions to affirm his determinations of claims and overrule related objections that raise various categories of factual issues. Any claimant that disputes the relief requested in an omnibus motion is required to serve a response on the Trustee by the deadline provided in the notice of the motion. Upon the timely service of a response, the Trustee and responding claimant are required to confer on a mutually agreeable schedule for briefing and to conduct discovery, if any, under the parameters provided in the form of scheduling order annexed to the Omnibus Procedures Order.

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As authorized by the Omnibus Procedures Order, on December 10, 2020, the Trustee filed the *Thirty-Fifth Omnibus Motion to Affirm the Trustee's Claims Determinations and Overrule Objections that Appear to Raise Factual Issues* (the "Motion") (ECF No. 20072), together with the Declaration of Vineet Sehgal in support of the Motion (ECF No. 20073).

On January 12, 2021, the Trustee filed on behalf of Dale Ellen Leff the *Opposition of Claimant Dale Ellen Leff to Trustee's Thirty-Fifth Omnibus Motion to Affirm the Trustee's Claims Determinations and Overrule Objections that Appear to Raise Factual Issues* (ECF No. 20186) (the "Leff Opposition").

Counsel for the Trustee and counsel for Ms. Leff have conferred and have agreed to the proposed schedule in the Scheduling Order to litigate the Leff Opposition. The Scheduling Order adopts the same provisions and deadlines in the form of scheduling order approved by the Omnibus Procedures Order.

Therefore, the Trustee respectfully requests entry of the Scheduling Order.

Respectfully submitted,

/s/ *Jason I. Blanchard*

Jason I. Blanchard

cc: Gary Stein, Esq. (via email)  
Abigail F. Coster, Esq. (via email)